

REMARKS

Claims 1-4 and 7-10 are all the claims pending in the application.

Applicants respectfully submit that the Examiner has improperly failed to address the arguments presented in the Response to the filed on October 4, 2004, in response to the Office Action dated June 2, 2004. Specifically, Applicants note that in the Advisory Action dated October 20, 2004, it is merely indicated that for purposes of appeal, claims 1-4 and 7-10 are rejected. The Examiner did not mention or otherwise address Applicants' arguments submitted in the Response filed on October 2, 2004, on the merits.

Applicants submit that the Examiner's failure to address the arguments presented in the response filed on October 4, 2004, is improper. Specifically, MPEP § 707.07(f) requires the Examiner to provide clear explanations of all actions taken during the prosecution of the application in order to provide a complete prosecution history and to enhance clarity of the prosecution history record. Further, the Examiner should respond specifically to traversals. ("Where the applicant traverses any rejection, the examiner, should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.").

Further, if a reply after a final rejection does not place the application in condition for allowance, an Advisory Action should indicate the effect of any argument that does not place the application in condition for allowance. See MPEP § 714.13. Even further, the Examiner is directed to provide an explanation for why a request for reconsideration submitted after final does not overcome the rejections in the Final Office Action. See Form Paragraph 7.79, note 3 in MPEP § 714.13 (III), page 700-226, Rev. 2, May 2004. On the other hand if a reply after a final rejection places the application in condition for allowance, the applicant should be notified

promptly of the allowability of the claims by a Notice of Allowability (Form PTOL-37). MPEP § 714.13 (III).

In addition, Applicants should be given a fair opportunity to define his or her invention in claims that will give patent protection to which the applicant is entitled and not be prematurely cut off in the prosecution of the application. MPEP § 706.07. Specifically, the MPEP states:

The examiner should never lose sight of the fact that in every case the applicant is entitled to a full and fair hearing, and that a clear issue between applicant and examiner should be developed, if possible before appeal.

In this regard, the Examiner's failure to address the arguments submitted in the Response filed on October 4, 2004, makes it difficult for Applicants to determine how best to proceed in the prosecution of the present application.

Accordingly, Applicants respectfully request the Examiner to properly acknowledge and address the arguments presented in the Response filed on October 2, 2004, which is incorporated herein by reference in its entirety, on the merits.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

RESPONSE UNDER 37 C.F.R. § 1.116
U.S. Application No.: 10/030,682

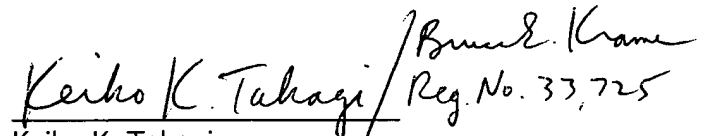
Attorney Docket No.: Q60714

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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